

**SUPREME COURT MINUTES
TUESDAY, FEBRUARY 1, 2005
SAN FRANCISCO, CALIFORNIA**

S129338

E034306 Fourth Appellate District,
Division Two

PEOPLE v. FERNANDEZ
Order filed

The order filed in this matter on January 26, 2005, is revised nunc pro tunc to read as follows:

Petitions for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, 125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Werdegar and Moreno, JJ., are of the opinion that further action in this matter should not be deferred and that briefing should proceed on the issue concerning the proper application of Penal Code section 12022.6, subdivision (a)(2).

George, C.J., was absent and did not participate.

S033360

PEOPLE v. WALLACE (KEONE)
Extension of time granted

to April 4, 2005 to file appellant's reply brief.

S043628

PEOPLE v. CARRINGTON (CELESTE)
Extension of time granted

to April 5, 2005 to file appellant's reply brief. After that date, only two further extensions totaling about 120 additional days will be granted. Extension is granted based upon Deputy State Public Defender Kathryn E. Collier's representation that she anticipates filing that brief by 8/6/2005.

S048440

PEOPLE v. LIGHTSEY (CHRISTOPHER)
Extension of time granted

to March 29, 2005 to file appellant's opening brief. After that date, only seven further extensions totaling about 420 additional days will be granted. Extension is granted based upon counsel Erik N. Larson's representation that he anticipates filing that brief by 5/29/2006.

S049743

PEOPLE v. YOUNG (CAROLINE)
Extension of time granted

to March 29, 2005 to file respondent's brief. After that date, only six further extensions totaling about 370 additional days will be granted. Extension is granted based upon Supervising Deputy Attorney General Seth K. Schalit's representation that he anticipates filing that brief by 4/4/2006.

S054569

PEOPLE v. WHALEN (DANIEL L.)
Extension of time granted

to March 29, 2005 to file appellant's opening brief. Extension is granted based upon counsel A. Richard Ellis's representation that he anticipates filing that brief by 3/29/2005. After that date, no further extension will be granted.

S055415

PEOPLE v. COWAN (ROBERT W.)
Extension of time granted

to April 1, 2005 to file respondent's brief. Extension is granted based upon Deputy Attorney General John A. Thawley's representation that he anticipates filing that brief by 4/1/2005. After that date, no further extension will be granted.

S056891PEOPLE v. THOMPSON (JAMES)
Extension of time granted

to April 1, 2005 to file appellant's opening brief. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon counsel Irene Kiebert's representation that she anticipates filing that brief in about three months.

S060500PEOPLE v. D'ARCY (JONATHAN D.)
Extension of time granted

to March 2, 2005 to file a response to respondent's motion to unseal transcripts and records on appeal. After that date, no further extension will be granted.

S123790B160209 Second Appellate District,
Division SevenPEOPLE v. SEIJAS
Extension of time granted

Appellant's time to serve and file the supplemental answer brief is extended to and including February 21, 2005.

S125670BROWN (ANDREW) ON H.C.
Extension of time granted

to March 3, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only five further extensions totaling about 150 additional days will be granted. Extension is granted based upon counsel Ronald S. Smith's representation that he anticipates filing that document by 8/1/2005.

S126085DYKES (ERNEST) ON H.C.
Extension of time granted

to March 4, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about

30 additional days will be granted. Extension is granted based upon Supervising Deputy Attorney General Eric D. Share's representation that he anticipates filing that document by 4/3/2005.

S126780

C047231 Third Appellate District

CALIFORNIANS FOR AN OPEN PRIMARY v.
SHELLEY (STATE LEGISLATURE)

Extension of time granted

Real Party in Interest's time to serve and file the reply brief is extended to and including February 16, 2005.

S128008

WILLIAMS (DEXTER W.) ON H.C.

Extension of time granted

to February 25, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Deputy Attorney General David A. Rhodes's representation that he anticipates filing that document by 3/28/2005.

S128031

KOONTZ (HERBERT H.) ON H.C.

Extension of time granted

to March 4, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only three further extensions totaling about 90 additional days will be granted. Extension is granted based upon Deputy Attorney General Harry Joseph Colombo's representation that he anticipates filing that document by 5/31/2005.

S131020

CLANCY v. S.C. (AT&T)

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District.

S108587**SUSPENSION OF ATTORNEYS PURSUANT TO
RULE 962, CALIFORNIA RULES OF COURT**

STEVEN H. HERTZ, #153971, was listed by the State Department of Child Support Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate local Child Support agency. He has subsequently been identified by the Department of Child Support Services as again being delinquent. Pursuant to Rule 962(a) of the California Rules of Court, IT IS HEREBY ORDERED that **STEVEN H. HERTZ**, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after **March 3, 2005**.

IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate local Child Support agency pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.